



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**

SEP 09 2003

TECH CENTER 1600/2900

Applicant(s): Goldenberg, et al.

Serial No.: 09/728,534

Group Art Unit No.: 1646

Filed: 11/28/00

Examiner: Chernyshev, Olga N.

For: Polyol/Oil Suspensions for the Sustained Release of Proteins

Docket No.: A-576C

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Amgen Inc., is the owner of the entire interest in the instant application.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U. S. Patent No. 6,245,740, and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U. S. Patent No. 6,245,740, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of U. S. Patent No. 6,245,740 in the event that said U. S. Patent No. 6,245,740 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a re-examination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Copies of the assignment documents in the chain of title from the original owner to assignee are attached, and were recorded in the U. S. Patent and Trademark Office at reel 9679 and frame 0272.

**EXPRESS MAIL CERTIFICATE**

"Express Mail" mail labeling number: EV 351339312 US

Date of Deposit: September 5, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sherry St. Andrew

Printed Name

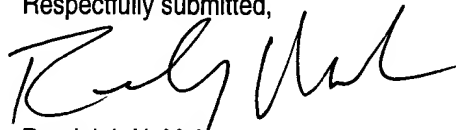
*Sherry St. Andrew*  
Signature

PATENT APPLICATION

The undersigned has reviewed the attached assignment documents and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Randolph N. Mohr

Attorney/Agent for Applicant(s)

Registration No.: 45,590

Phone: (805) 447-8949

Date: September 5, 2003

Please send all future correspondence to:

US Patent Operations/ RNM  
Dept. 4300, M/S 27-4-A  
AMGEN INC.  
One Amgen Center Drive  
Thousand Oaks, California 91320-1799